19 46 K File No. [redacted] Part

Legal Dept

A BRANCH

Subject:— Opinions under the Indian Pass Post Act 1920

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Gen. 194

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Office of the R.L.A.

The Government Order (Political and Service Department) No. P.C. 2595 dated the 17th December 1941 authorising the District Magistrates to countersign applications for new passports or renewal of passports has no statutory force. Consequently the principle of delegatus non potest delegare will have no application. There appears, therefore, no objection to the District Magistrate, Ahmedabad with the sanction of Government authorising his Personal Assistant to countersign the applications for new passports or renewal of passports.

Sd/-
11/6/46

Remembrancer of Legal Affairs.

U.R. to Pass port Office No.4288, dated the 12th June 1946.

RHB.
20.7.

Office of the R.L.A.

A passport once issued cannot be cancelled except for reasons of state or with the holder's consent (see R.L.A's opinions No.793, dated the 28th January 1941 and No.140-P, dated the 1st March 1938). A mere allegation in a suit that Mr. Trivedi intends to leave British India with a view to defeat the claim against him, would not be a sufficient reason to cancel his passport. It is open to his creditor to move the court for an order under O.XXXVIII rule 1, clause (b) Code of Civil procedure, if his apprehensions are well founded.

Sd/-

9/10/46

Remembrancer of Legal Affairs.

U.R. to P.& S.D.No.6920, dated the 14th October 1946.

RHB.
10.7.

Office of the R.L.A.

The onlyway to refuse to let Mr. Trivedi leave this country is to cancel his passport and there will be no objection to Government doing so, if there are reasonable grounds to believe that Mr. Trivedi is leaving this country with a view to defeat legal claims, for such belief may justify an apprehension that Mr. Trivedi will become destitute and require repatriation at Government expense; but it appears preferable to leave it to the creditor to move the Court for an order under Order 38 rule 1(b) of the Civil Procedure Code.

Sd/-

18/12

Remembrancer of Legal Affairs.

U.R.to P.& S.D.No.9308, dated the 20th December 1946.

RHB.
10.7.

Sd/ 9/8

9/8